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ART UNIT	PAPER NUMBER
2628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/795,991	SHIN ET AL.
	Examiner	Art Unit	
	Greg F. Cunningham	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 March 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *36,37,39-53 and 55-66* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *36,37,39-53 and 55-66* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications of application received 3/23/2006.

2.   The disposition of the claims is as follows: claims 36-37, 39-53 and 55-66 are pending in

the application. Claims 36 and 52 are independent claims. Claims 38, 54 and 67 were previously

cancelled.

3.   The finality of the rejection of the last Office action is withdrawn.

Priority

4.   Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or

under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or

more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. [1] as follows:

5.   The later-filed application must be an application for a patent for an invention which is

also disclosed in the prior application (the parent or original nonprovisional application or

provisional application). The disclosure of the invention in the parent application and in the later-

filed application must be sufficient to comply with the requirements of the first paragraph of 35

U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32

USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 10/434,150 (now patent

number 7,027,065) and 09/497,504 (now patent number 6,624,821), fails to provide adequate

support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or

more claims of this application. See the following 112 rejection of claims 36 and 52.

The said prior-filed applications do not explain nor give definition for "irregular",

"slightly irregular", "regular" and "highly regular". The only use of these terms as presented in

these specifications is the word "regular", in the context in which browsing patterns are regular.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

7.   Claims 36 and 52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed

invention.

The specification does not explain nor give definition for "irregular", "slightly irregular",

"regular" and "highly regular". The only use of these terms as presented in the disclosure as

originally filed were in claims 38 and 54, which were both cancelled and incorporated into

independent claims 36 and 52, respectively. Furthermore the original specification only uses the

word "regular" on page 12, line 8, in the context in which browsing patterns are regular.

Perhaps the only relation of said terms with the specification, and peppered throughout

the specification is the idea of classifying. For example on page 6, lines 24-31 at "retrieving an

image texture descriptor for describing texture features of an image, the apparatus including

filtering mean for filtering input images using predetermined filters having different orientation

coefficients, projecting means for projecting the filtered images onto axes of each predetermined

direction to obtain data groups consisting of averages of each directional pixel values, classifying

means for selecting candidate data groups among the data groups by a predetermined

classification method, first indicator determining means for determining another indicator based

on the number of graphs filtered by filters having scale coefficients or orientation coefficients

which are close to or identical with the scale coefficients or orientation coefficients of the filters

used in filtering the selected candidate graph, and second indicator determining means for

determining a plurality of indicators based on scale coefficients and orientation coefficients of

the filters used in filtering the determined candidate graphs."

However, claims 36 and 52 make no mention of classifying and do not present

information in a "means for" fashion.

Furthermore, not only is the disclosure thunderously silent on regularity values of

"irregular", "slightly irregular", "regular" and "highly regular", but also the difference between

these values, (i.e. what constitutes the divisions of the regularity of an image as "irregular",

"slightly irregular", "regular" and "highly regular").

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9.   Claims 36 and 52 are rejected under 35 U.S.C. 102(b) as being disclosed by Ort et al.,

(US Patent 5,659,626), hereinafter Ort.

A.   Claim 52, "An apparatus for describing texture features of an image [locating minutia in

a gray scale image of a fingerprint using a pair of filters, called "Gabor" and "Minutia" filters],

comprising:

a generating unit to generate [filter] a regularity indicator indicating regularity of the

image ['determining ... spaces of ridges at regularly spaced pixels' and 'determining ridge angle

and frequency at regularly spaced pixels'], a direction indicator indicating direction of the image

['determining direction'; 'aligning filters by ridge direction'; col. 5, ln. 67 – col. 6, ln. 8 at 'The

encoder of this invention analyzes a gray scale image of a fingerprint to provide an accurate

identification of minutiae, their locations, and directions; to provide a quality map, a Ridge

Angle Map, and a Ridge Frequency Map of the image; to provide an identification of cores and

deltas and their locations and a ridge count between associated cores and deltas; and to store this

fingerprint information in a Products File.'], and a scale indicator indicating scale of a texture

element of the image [abstract: 'ordering gradient according to size'; wherein 'Munutia' and its

characteristic attributes correspond to texture]; and

an expressing unit to express a texture descriptor of the image using the regularity

indicator [abstract: direction and spacing of ridges at regularly spaced pixels; frequency at

regularly spaced pixels], the direction indicator and the scale indicator [abstract: creating a state

map of a fingerprint includes determining image quality, identifying minutia locations,

determining areas of good quality where minutia are present, areas of good quality where no

minutia are present and areas where quality is below a predetermined value to reliably determine

presence or absence of minutia.];

wherein the regularity indicator expresses the regularity of the image as one of values

"irregular," "slightly irregular," "regular" and "highly regular" [abstract: direction and spacing of

ridges at regularly spaced pixels; frequency at regularly spaced pixels]" is disclosed [as detailed].

While Ort as been cited for 'a gray scale image of a finger print using Gabor filters that

includes determining direction and spacing of ridges at regularly spaced pixels and aligning

filters by ridge direction' as disclosing the "regular" in one of the values of the regularity of an

image, this claim element "wherein the regularity indicator expresses the regularity of the image

as one of values "irregular," "slightly irregular," "regular" and "highly regular" does not

necessarily carry patentable weight – see MPEP 2111.04 [R-3] "Adapted to," "Adapted for,"

"Wherein," and "Whereby" Clauses.

However, the court noted (quoting Minton v. Nat'l Ass'n of Securities Dealers, Inc., 336

F.3d 1373, 1381, 67 USPQ2d 1614, 1620 (Fed. Cir. 2003)) that a "whereby clause in a method

claim is not given weight when it simply expresses the intended result of a process step

positively recited.'" Id.

B.   Per independent claim 36, this is directed to a computer readable medium for the

apparatus of independent claim 52, and therefore is rejected to independent claim 52.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 37, 39-51, 53 and 55-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ort et al., (US Patent 5,659,626), hereinafter Ort, as applied to claims 36 and 52 above, and further in view of Murakawa (US Patent 6,381,365).

A.   Per claim 37, "The computer readable medium of claim 36, wherein the regularity of the image is expressed as one of a plurality of predetermined values" is disclosed by Ort supra for claim 36.

However, Ort does not appear to disclose "wherein the regularity of the image is expressed as one of a plurality of predetermined values", but Murakawa does in col. 19, lns. 50-60 at "Using these parameters, similarity D can be calculated from the following equation:

$$D=(W0.times.P0+W1.times.P1+W2.times.P2)/(W0+W1+W2)\ (18)$$

where W0, W1, and W2 are the weights assigned to P0, P1, and P2, respectively, and W0>W1 >W2. The greater the value of D, the greater the similarity between the two images. The value of D is therefore compared with a predetermined threshold value to determine image similarity."

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply finger print identification system disclosed by Ort in combination with image data processing apparatus disclosed by Murakawa, and motivated to combine the teachings because they both pertain to identifying features as revealed by Murakawa in abstract.

B.   Per claim 39, "The computer readable medium of claim 36, wherein the regularity indicator comprises a quantized integer" is described by Ort supra for claim 36.

However, Ort does not appear to disclose "wherein the regularity indicator comprises a

quantized integer", but Murakawa does in col. 19, lns. 31-35 at "A example of calculating

similarity between the key image and a comparison image in step S604 above is described

below. Image similarity can be calculated by **quantifying** the proximity in two images between

pixels with a gray level of 1."; and in col. 20, lines 24-26 at "When searching for an image

similar to a key image, an image data processing apparatus according to the present it can easily

compare and determine whether two images are similar by evaluating image similarity based on

the basic texture pattern extracted from the image".

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply finger print identification system disclosed by Ort in combination

with image data processing apparatus disclosed by Murakawa, and motivated to combine the

teachings because they both pertain to identifying features as revealed by Murakawa in abstract.

C.   Per claim 40, "The computer readable medium of claim 36, wherein the direction of the

image is expressed as one of a plurality of predetermined values" is described by Ort supra for

claim 36.

However, Ort does not appear to disclose "wherein the direction of the image is

expressed as one of a plurality of predetermined values", but Murakawa does in col. 7, lns. 14-31

at "Because gray level occurrence is directly related to the periodicity of the texture pattern, the

periodicity of a texture should be reflected in S.sub..theta. (i,j.vertline.d). Whether such

periodicity exists is determined from a graph of inertia values obtained at distance d, where d

ranges from 3, 4, . . . d.sub.max where d.sub.max is the greatest distance d), for each direction

.theta.. This method of evaluation is described below. (29) The first step is to obtain inertia

I[S.sub..theta. (d)] at each distance d for each direction .theta., and then obtain the lowest inertia

value I.sub.ner (.theta.) from the set of inertia values I[S.sub.74 (d)] in each direction .theta..

I.sub.ner (.theta.) is obtained by the following equation (5)   I.sub.ner

(.theta.)=Min(I[S.sub..theta. (3)], I[S.sub..theta. (4)], . . . , I[S.sub..theta. (d.sub.max)]) (6) (30)

The smallest and second-smallest values are then selected from I.sub.ner (0), I.sub.ner (45),

I.sub.ner (90) and I.sub.ner (135). If the lowest of the selected inertia values I.sub.ner (.theta.) is

less than a predetermined threshold value, the texture is determined to have a periodic

characteristic."

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply finger print identification system disclosed by Ort in combination

with image data processing apparatus disclosed by Murakawa, and motivated to combine the

teachings because they both pertain to identifying features as revealed by Murakawa in abstract.

D.   Per claim 41, "The computer readable medium of claim 36, wherein the direction of the

image is expressed as one of values, 'no directionality', '0 degrees', '30 degrees', '60 degrees',

'90 degrees', '120 degrees', and '150 degrees' " is disclosed, supra by Ort for claim 36.

However, Ort does not appear to disclose "wherein the direction of the image is

expressed as one of values, 'no directionality', '0 degrees', '30 degrees', '60 degrees', '90

degrees', '120 degrees', and '150 degrees' ", but Murakawa does in col. 7, lns. 32-43 at "This is

illustrated further in FIG. 5, a graph of inertia I at multiple distances d for a particular pixel in

each of four directions .theta.. In the example shown, the minimum inertia I.sub.ner value was

obtained at a distance d=7 for direction .theta.=0.degree., at distance d=7 for direction

.theta.=45.degree., at distance d=13 for direction .theta.=90.degree. and at distance d=6 for

direction .theta.=135.degree.. I.sub.ner (135) thus has the lowest inertia I of any direction, and

I.sub.ner (45) has the second lowest inertia. Both I.sub.ner (135) and I.sub.ner (45) are also

below the threshold value to determine periodicity, and it is therefore determined that the image

texture has a periodic characteristic at both direction .theta.=45.degree. and 135.degree.." and in

col. 9, lns. 23-31 at "It should be noted that texture orientation can be determined with greater

directional precision by using a smaller angle increment between scanning directions. For

example, if the angle increment used for gray level co-occurrence matrix calculation is 10

degrees, the scanning direction .theta.=0.degree. when n=0, .theta.=10.degree. when n=1,

.theta.=20.degree. when n=2, and so forth. This, however, increases the number of calculation

processes that must be executed, and thus increases the processing time required. An increment

of 45.degree. is therefore used in the present embodiment."

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply finger print identification system disclosed by Ort in combination

with image data processing apparatus disclosed by Murakawa, and motivated to combine the

teachings because they both pertain to identifying features as revealed by Murakawa in abstract.

E.   Per claim 42, "The computer readable medium of claim 36, wherein the direction

indicator comprises a quantized integer" is described, supra for claims 36 and 41, wherein

directions exemplified are quantized integers.

F.   Per claim 43, "The computer readable medium of claim 36, wherein the scale of the

texture element is expressed as one of a plurality of predetermined values" is described by Ort

supra for claim 36.

However, Ort does not appear to disclose, "wherein the scale of the texture element is expressed as one of a plurality of predetermined values", but Murakawa does in col. 8, lns. 40-51 at "The normalized image data is then converted to a gray-scale image and digitized (S303). To address the problem of the digitizing process described in the above review of related technologies, the threshold value is not set to a pixel value with a high frequency of appearance, but is rather set to a value offset a predetermined amount above or below a median pixel value of a pixel value distribution after gray-scale conversion. This is described specifically below. (42) FIG. 10 is a graph of the pixel value distribution in relation to the pixel values after gray scale conversion for a certain image. There are 256 gradations possible in the present example."

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply finger print identification system disclosed by Ort in combination with image data processing apparatus disclosed by Murakawa, and motivated to combine the teachings because they both pertain to identifying features as revealed by Murakawa in abstract.

G.   Per claim 44, "The computer readable medium of claim 36, wherein the scale of the texture element is expressed as one of values, 'fine', 'medium', 'course', and 'very course' " is disclosed, by Ort supra for claim 36.

However, Ort does not appear to disclose, "wherein the scale of the texture element is expressed as one of values, 'fine', 'medium', 'course', and 'very course' ", but Murakawa does in col. 6, lns. 36-52 at "This method is based on evaluating a two-dimensional probability density function f(i,j.vertline.d,.theta.) where the probability density function f(i,j.vertline.d,.theta.) indicates the likelihood of a pixel separated distance d in direction .theta. from a pixel having a gray level i having a gray level j. The gray level co-occurrence matrix is a matrix of functions

f(i,j.vertline.d,.theta.) for each (d, .theta.), i and j indicating row and column positions,

respectively. When the texture is coarse and the distance d is small relative to the size of the

component elements of the texture, a pixel pair separated (d,.theta.) generally have similar gray

levels, and the values proximal to diagonal elements of the gray level co-occurrence matrix are

thus relatively high. Conversely, if the texture is fine and distance d is roughly equivalent to the

size of the component elements of the texture, there is a higher probability that any (d,.theta.)

pixel pair will be a pair of dissimilar gray levels, and there will be a relatively uniform

distribution across all elements of the co-occurrence matrix."

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply finger print identification system disclosed by Ort in combination

with image data processing apparatus disclosed by Murakawa, and motivated to combine the

teachings because they both pertain to identifying features as revealed by Murakawa in abstract.

H.   Per claim 45, "The computer readable medium of claim 36, wherein the scale indicator

comprises a quantized integer" is described, supra for claims 36 and 43. Wherein there are 256

quantized gradations.

J.   Per claim 46, "The computer readable medium of claim 36, wherein the texture

descriptor of the image is expressed as a vector of the regularity indicator, the direction indicator,

and the scale indicator" is disclosed by Ort supra for claim 36.

However, Ort does not appear to disclose, "wherein the texture descriptor of the image is

expressed as a vector of the regularity indicator, the direction indicator, and the scale indicator",

but Murakawa does in col. 6, ln. 31 – col. 7, ln. 3 at "Methods using a gray level co-occurrence

matrix (GLCM) for texture analysis are known from the literature, and are described in detail in,

for example, "Basics of image recognition II: feature extraction, edge detection, and texture

analysis" (in Japanese, by Shunji Mori et al.; Ohmsha).

(22) This method is based on evaluating a two-dimensional probability density function

f(i,j.vertline.d,.theta.) where the probability density function f(i,j.vertline.d,.theta.) indicates the

likelihood of a pixel separated distance d in direction .theta. from a pixel having a gray level i

having a gray level j. The gray level co-occurrence matrix is a matrix of functions

f(i,j.vertline.d,.theta.) for each (d, .theta.), i and j indicating row and column positions,

respectively. When the texture is coarse and the distance d is small relative to the size of the

component elements of the texture, a pixel pair separated (d,.theta.) generally have similar gray

levels, and the values proximal to diagonal elements of the gray level co-occurrence matrix are

thus relatively high. Conversely, if the texture is fine and distance d is roughly equivalent to the

size of the component elements of the texture, there is a higher probability that any (d,.theta.)

pixel pair will be a pair of dissimilar gray levels, and there will be a relatively uniform

distribution across all elements of the co-occurrence matrix.

(23) When building the gray level co-occurrence matrix in the present embodiment, the image

is scanned in four directions .theta. at angles of 0, 45, 90, and 135 degrees passing through a

center of the image as shown in FIGS. 4A to 4D and described in further detail below. Matrice

S.sub..theta. (d) is defined as shown by equations (1) to (4) below using the gray level co-

occurrence matrix M(d,.theta.).

(1)   S.sub.0 (d)=[M(d,0.degree.)+M.sup.t (d,0.degree.)]/2 (1)

(2)   S.sub.45 (d)=[M(d,45.degree.)+M.sup.t (d,45.degree.)]/2 (2)

(3)   S.sub.90 (d)=[M(d,90.degree.)+M.sup.t (d,90.degree.)]/2 (3)

(4)   S.sub.135 (d)=[M(d,135.degree.)+M.sup.t (d,135.degree.)]/2 (4)

(24)   where M.sup.t (d,.theta.) is a transposed matrix of M(d,.theta.).

(25)   These matrices can be used to calculate various feature quantities, construct a feature space, and discriminate textures." Wherein matrix notation correspond to abbreviated representation of vectors.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply finger print identification system disclosed by Ort in combination with image data processing apparatus disclosed by Murakawa, and motivated to combine the teachings because they both pertain to identifying features as revealed by Murakawa in abstract.

K.   Per claim 47, "The computer readable medium of claim 36, wherein the direction indicator comprises a dominant direction of the image" is disclosed by Ort supra for claim 36.

However, Ort does not appear to disclose, "wherein the direction indicator comprises a dominant direction of the image", but Murakawa does in col. 3, lns. 8-14 at "To process the image data, this image data processing apparatus uses an extraction controller for extracting feature information <u>descriptive of an image texture</u> using pixel data for pixels located in a scanning band oriented in a specific <u>direction</u> through the image." Wherein "a specific direction" corresponds to "dominant direction".

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply finger print identification system disclosed by Ort in combination with image data processing apparatus disclosed by Murakawa, and motivated to combine the teachings because they both pertain to identifying features as revealed by Murakawa in abstract.

L.   Per claim 48, "The computer readable medium of claim 47, wherein the scale indicator comprises a scale corresponding to the dominant direction of the image" is disclosed by Ort supra for claim 47.

However, Ort does not appear to disclose, "wherein the scale indicator comprises a scale corresponding to the dominant direction of the image", but Murakawa does in col. 14, lns. 43-51 at "The normalized image data is then converted to a gray-scale image and digitized (S503). Using the normalized, gray-scale, digital image data, the image is then analyzed to determine the periodicity of image textures (S504).

(106)   Periodicity is here defined as the repetition of a same pattern at a certain spatial interval (period or distance d) in a particular direction .theta. with a frequency exceeding a certain threshold value. This periodicity characteristic can thus be represented by distance d and direction .theta.." Wherein "a particular direction" corresponds to "dominant direction".

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply finger print identification system disclosed by Ort in combination with image data processing apparatus disclosed by Murakawa, and motivated to combine the teachings because they both pertain to identifying features as revealed by Murakawa in abstract.

M.   Per claim 49, "The computer readable medium of claim 48, wherein the direction indicator comprises a first direction indicator and a second direction indicator comprising a first dominant direction of the image and a second dominant direction of the image, respectively" is disclosed by Ort supra for claim 36.

However, Ort does not appear to disclose, "wherein the direction indicator comprises a first direction indicator and a second direction indicator comprising a first dominant direction of

the image and a second dominant direction of the image, respectively", but Murakawa does in

col. 15, lns. 9-15 at "Exemplary criteria used for this determination in the present embodiment

are whether the texture pattern occurs at a regular period in at least two directions. If periodicity

is detected in more than two directions, the two directions with the greatest periodicity, that is,

the greatest frequency of appearance, are selected as the directions in which periodicity is

present."

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply finger print identification system disclosed by Ort in combination

with image data processing apparatus disclosed by Murakawa, and motivated to combine the

teachings because they both pertain to identifying features as revealed by Murakawa in abstract.

N.   Per claim 50, "The computer readable medium of claim 49, wherein the scale indicator

comprises a first scale indicator comprising a scale corresponding to the first dominant direction

of the image and a second scale indicator comprising a scale corresponding to the second

dominant direction of the image" is disclosed by Ort supra for claim 49.

However, Ort does not appear to disclose, "wherein the scale indicator comprises a first

scale indicator comprising a scale corresponding to the first dominant direction of the image and

a second scale indicator comprising a scale corresponding to the second dominant direction of

the image", but Murakawa does in col. 15, lns. 22-27 at "Let us assume, for example, that

periodicity (direction .theta., distance d) was detected at both (0.degree., 3) and (45.degree., 2) as

a result of texture analysis. The basic pattern of the image texture is then extracted based on the

detected directions and distances. The basic pattern in this case could be as shown in FIG. 16A."

Wherein distances "3" and "2" are "first scale indicator" and "second scale indicator"

respectively.

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply finger print identification system disclosed by Ort in combination

with image data processing apparatus disclosed by Murakawa, and motivated to combine the

teachings because they both pertain to identifying features as revealed by Murakawa in abstract.

O.   Per claim 51, "The computer readable medium of claim 50, wherein the texture

descriptor of the image comprises a vector of the regularity indicator, the first direction indicator,

the second direction indicator, the first scale indicator, and the second scale indicator" is

disclosed by Murakawa supra for claims 49 and 50. Wherein "both (0.degree., 3) and

(45.degree., 2)" are vectors with direction and magnitude.

P.   Per dependent claims 53 and 55-66, these are directed to an apparatus for performing the

computer readable medium to perform a method of dependent claims 37 and 39-50, and

therefore are rejected to dependent claims 37 and 39-50.

Response to Arguments

12.   Applicant's arguments filed 11/22/2005 and 3/23/2006 have been fully considered but

they are not persuasive. Although the Applicants "submit that indicating a regularity of an image

is NOT satisfied by determining direction and spacing of ridges at regularly spaced pixel or by

determining ridge angles and frequency at regularly spaced pixels" as illustrated by Ort, the

Applicants do NOT explain, disclose nor define what the regularity of an image is. The only

association is set forth in claims 36 and 52 at "wherein the regularity indicator expresses the

regularity of the image as one of values "irregular," "slightly irregular," "regular" and "highly

regular"", however there is no explanation, disclosure nor definition as to what is meant by

"irregular," "slightly irregular," "regular" and "highly regular".

The Applicants' argument that Ort does not disclose the claim element "regularity of an

image" is merely an allegation and not supported by the disclosure of the invention.

Responses

13.   Responses to this action should be mailed to: Commissioner of Patents and Trademarks,

Washington, D.C. 20231.

Inquiries

14.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gregory F. Cunningham whose telephone number is (571) 272-

7784.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kee Tung can be reached on (571) 272-7794. The Central FAX Number for the

organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory F. Cunningham
Examiner
Art Unit 2628

gfc

5/19/2006

Kee M. Tung
Primary Examiner